

House File 2282 - Enrolled

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HOUSE FILE 2282

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1 3 AN ACT
1 4 RELATING TO CITY GOVERNMENT BY PROVIDING FOR THE ELECTION OF
1 5 MAYOR AND CITY COUNCIL MEMBERS IN A CITY GOVERNED BY THE
1 6 COUNCIL=MANAGER=AT=LARGE FORM OF CITY GOVERNMENT AND BY
1 7 PROVIDING FOR CITY CONTINUITY WHEN CONCURRENT CITY COUNCIL
1 8 VACANCIES EXIST.
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1 10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 12 Section 1. Section 372.6, Code 2005, is amended to read as
1 13 follows:
1 14 372.6 COUNCIL=MANAGER=AT=LARGE FORM.
1 15 1. A city governed by the council=manager=at=large form
1 16 has five council members elected at large for staggered four=
1 17 year terms. At the first meeting of the new term following
1 18 each city election, the council shall elect one of the council
1 19 members to serve as mayor, and one to serve as mayor pro tem.
1 20 The mayor is a member of the council and may vote on all
1 21 matters before the council. As soon as possible after the
1 22 beginning of the new term following each city election, the
1 23 council shall appoint a manager.
1 24 2. a. The city council of a city governed by the council=
1 25 manager=at=large form may adopt a resolution on its own
1 26 motion, or shall adopt a resolution if a petition valid under
1 27 section 362.4 is filed with the city clerk, proposing that the
1 28 city be governed by a mayor elected by the people for a four=
1 29 year term and four council members elected at large. After
1 30 adoption of the resolution, the council shall direct the
1 31 county commissioner of elections to put the proposal on the
1 32 ballot for the next general election or the next regular city
1 33 election, whichever occurs first. If the ballot proposal is
1 34 approved, the city council shall adopt an ordinance meeting
1 35 the requirements of paragraph "b", and the ordinance is
2 1 effective beginning with the next following regular city
2 2 election.
2 3 b. The ordinance shall provide that the mayor is a member
2 4 of the council and may vote on all matters before the council.
2 5 The ordinance shall provide that the term of office of the
2 6 mayor is four years and, after each regular city election, the
2 7 mayor shall appoint a council member as mayor pro tem. The
2 8 ordinance shall provide that the mayor is a member of the
2 9 council for purposes of maintaining staggered terms on the
2 10 council. A council member's term shall not be shortened or
2 11 lengthened as a means of initially implementing the ordinance.
2 12 c. An ordinance adopted and approved under this subsection
2 13 is not subject to repeal until the ordinance has been in
2 14 effect for at least six years. The question of repeal of the
2 15 ordinance is subject to the requirements of paragraph "a".
2 16 3. The council may by ordinance provide that the city will
2 17 be governed by council=manager=ward form. The ordinance must
2 18 provide for the election of the mayor and council members
2 19 required under council=manager=ward form at the next regular
2 20 city election.
2 21 Sec. 2. Section 372.13, subsection 2, paragraph b, Code
2 22 2005, is amended to read as follows:
2 23 b. By a special election held to fill the office for the
2 24 remaining balance of the unexpired term. If the council opts
2 25 for a special election or a valid petition is filed under
2 26 paragraph "a", the special election may be held concurrently
2 27 with any pending election as provided by section 69.12 if by
2 28 so doing the vacancy will be filled not more than ninety days
2 29 after it occurs. Otherwise, a special election to fill the
2 30 office shall be called by the council at the earliest
2 31 practicable date. ~~If there are concurrent vacancies on the~~
2 32 ~~council and the remaining council members do not constitute a~~
2 33 ~~quorum of the full membership, a special election shall be~~
2 34 ~~called at the earliest practicable date.~~ The council shall
2 35 give the county commissioner at least ~~sixty~~ thirty=two days'
3 1 written notice of the date chosen for the special election.
3 2 The council of a city where a primary election may be required
3 3 shall give the county commissioner at least ~~eighty=five~~ sixty

3 4 days' written notice of the date chosen for the special
3 5 election. A special election held under this subsection is
3 6 subject to sections 376.4 through 376.11, but the dates for
3 7 actions in relation to the special election, including dates
3 8 for filing of nomination petitions, shall be calculated with
3 9 regard to the date for which the special election is called.
3 10 If there are concurrent vacancies on the council and the
3 11 remaining council members do not constitute a quorum of the
3 12 full membership, a special election shall be called by the
3 13 county commissioner at the earliest practicable date. The
3 14 remaining council members shall give notice to the county
3 15 commissioner of the absence of a quorum. If there are no
3 16 remaining council members, the city clerk shall give notice to
3 17 the county commissioner of the absence of a council. If the
3 18 office of city clerk is vacant, the city attorney shall give
3 19 notice to the county commissioner of the absence of a clerk
3 20 and a council. Notice of the need for a special election
3 21 shall be given under this paragraph by the end of the
3 22 following business day.

3 23 Sec. 3. NEW SECTION. 372.13A PAYMENTS WITHOUT PRIOR
3 24 AUTHORIZATION OF COUNCIL.

3 25 1. If concurrent vacancies exist on the council and the
3 26 remaining council members do not constitute a quorum of the
3 27 full membership, the city clerk is authorized to make the
3 28 following payments without prior approval of the council:

3 29 a. For fixed charges including but not limited to freight,
3 30 express, postage, water, light, telephone service, or
3 31 contractual services, after a bill is filed with the clerk.

3 32 b. For salaries and payrolls if the compensation has been
3 33 fixed or approved by the council. The salary or payroll shall
3 34 be certified by the officer or supervisor under whose
3 35 direction or supervision the compensation is earned.

4 1 2. If concurrent vacancies exist on the council and the
4 2 remaining council members do not constitute a quorum of the
4 3 full membership and the office of city clerk is vacant, the
4 4 county auditor of the county where the city is located shall
4 5 make the payments described in subsection 1 without prior
4 6 approval of the council.

4 7 3. The bills paid under this section shall be submitted to
4 8 the city council for review and approval at the next regular
4 9 meeting following payment in which a quorum of the council is
4 10 present.

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CHRISTOPHER C. RANTS
Speaker of the House

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JEFFREY M. LAMBERTI
President of the Senate

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MARGARET THOMSON
Chief Clerk of the House

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